

RECEIVED

FORM A

FORM TO BE USED BY A PRISONER IN FILING A COMPLAINT
UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF IOWA

2009 JUL 24 AM 9:31
U.S. DISTRICT COURT
SOUTHERN DISTRICT OF IOWA

CHRISTOPHER James McGE

(Enter above the **FULL** name and inmate
number of the plaintiff or plaintiffs in this action)

vs.

COMPLAINT

James Bryson Clements
United States of America
Iowa City Police Department

(Enter above the **FULL** name of each defendant
in this action)

(NOTE: If there is more than one plaintiff, the information in parts I and II should be shown for EACH plaintiff by name, using a separate sheet of paper.)

I. Previous Lawsuits:

- A. Have you begun other lawsuits in State or Federal Court dealing with the same facts involved in this action or otherwise relating to your imprisonment?
Yes () No (✓)
- B. If your answer to A is Yes, please answer questions 1 thru 7. (If there is more than one lawsuit, describe the additional lawsuits on another sheet of paper, using the same outline.)

1. Parties to this previous lawsuit
 Plaintiffs N/A
 Defendants N/A
2. Court (if Federal Court, name the district; if State Court, name the county)
N/A
3. Docket Number N/A
4. Name of Judge to whom the case was assigned N/A
5. Disposition, if known (for example: Was the case dismissed? Was it appealed? Is it still pending?) N/A
6. Approximate date of filing lawsuit N/A
7. Approximate date of disposition N/A

II. Place of Present Confinement Knox County Jail 152 S. Kellogg, Galesburg Ill. 61401

- A. Is there a prisoner grievance procedure in this institution?
 Yes () No (☒)
- B. Did you present the facts relating to your complaint in the state prisoner grievance procedure? Yes () No (☒)
- C. If your answer is Yes,
 1. What steps did you take?
 2. What was the result?
- D. If your answer is No, explain why not
Not Institutional Issues / outside Jurisdiction
- E. If there is no prison grievance procedure in the institution, did you complain to prison authorities? Yes () No (☒)
- F. If your answer is Yes,
 1. What steps did you take?
 2. What was the result?

III. Parties

(In item A below, place your name in the first blank and place your present address in the second blank. Do the same for additional plaintiff(s), if any.)

A. Name of Plaintiff CHRISTOPHER James M'GEE

Address Knox County Jail 150 S. Kellogg Galesburg Ill. 61401

B. Additional plaintiffs _____

N/A

(In item C below, place the full name of the defendant in the first blank, his official position in the second blank, and his place of employment in the third blank. Use item D for the names, positions, and places of employment of any additional defendants.)

C. Defendant Iowa City Police Department

is employed as Iowa City Police officers

at Johnson County police Department in Iowa City

D. Additional defendants James Bryson Clements

and The United States of America

IV. Jurisdiction

This complaint is brought pursuant to 42 U.S.C. § 1983, and jurisdiction is based on 28 U.S.C. § 1343(c). Plaintiff(s) allege(s) the defendant(s) acted under color of state law with regard to the facts stated in part V of this complaint.

V. **Statement of Claim**

(state here as briefly as possible the **FACTS** of your case. You **MUST** state exactly what each defendant personally did, or failed to do, which resulted in harm to you. Include also the names of other persons involved (for example, other inmates) and state the date and place of all events. Attach an extra sheet if necessary, and write the heading **PART V CONTINUED** at the top of the sheet. Keep to the facts. Do not give any legal arguments or cite any cases.)

That the Defendants alleged in the Complaint are respon-
sible for Violating Mr. McGEE'S Civil rights. Iowa city
police Conducted an unlawful and illegal arrest and
the Federal agenda Government pursues charges that was dropped
due to an illegal arrest in state court. Attorney Christine Boyer
failed to raise an issue in Mr. McGEE'S proceeding of his Constitutional
Claims of an illegal arrest.

Cont. See
pg 5

VI. (State briefly exactly what you want the Court to do for you. Make no legal arguments. **Do not cite cases or statutes.**)

Mr. McGEE seeks to have Charges dropped
and damages of \$20,000,000⁰⁰ Compensation and
\$10,000,000⁰⁰ punitive damages

Immediate
Release

VII. **Statement Regarding Assistance in Preparing this Complaint**

- A. Did any person other than a named plaintiff in this action assist you in preparing this complaint? Yes () No (☒)
 B. If your answer is **Yes** name the person who assisted you.
 C. Signature of person who helped prepare complaint.

(Signature) Christopher J. McGee (Date) 7.15.09

VIII. **Signature(s) of Plaintiff(s)**

Signed the 15 day of July, 09.
 (Signature of Plaintiff) Christopher J. McGee
 Signatures of additional plaintiffs, if any:

Claims—

On or about July 7, 2007th the City of Iowa, Iowa city Police Came and made an unlawful Seizure being Christopher James M'GEE from the Home of one being 411 Emerald. Officer(s) presented an Search Warrant but Christopher James M'GEE wasn't named in the Search Warrant of Items to be Seized. This Violated Mr. M'GEE's rights because the officers didn't have a Warrant per se for Mr. M'GEE. §1983 Compliant is the perfect Subject for illegal or unlawful arrest and Seizure(s). The fourth Amendment protects against Warrantless intrusions by the government into areas in which an individual holds a reasonable expectation of privacy. United States v. Villegas 495 F3d 761, 767 (7th Cir 2007), Cert. denied 128 Sct 939 (2008). An arrest without a Warrant at a Residence is unlawful where there are no exigent circumstances Kirk v. Louisiana 536 U.S. 635, 637 (2002) (citing Payton v. New York 445 U.S. 573, 590 (1980) Evans v. Lopez No 98c 2077, 2000 WL 631 357 (N.D. Ill May 12, 2000). An overnight guest

(b)(5)

At another's house has a reasonable expectation of privacy and therefore has the same right as a person in his or her own home. Minnesota v. Olson 495 US 91, 96-97 (1990)

Here, the record is clear that Mr. McGEE was taken from a private residence without a warrant. There were no exigent circumstances to permit such a warrantless seizure. After he was illegally seized, Mr. McGEE was improperly detained and illegally tape recorded without the arresting officer(s) who seized without probable cause ever reading him his rights. To this day no one ever read Mr. McGEE his Miranda warning after being taken from a private resident. It would be improper to say that someone would have read him such Miranda warning when he wasn't the sole subject of the search on July 7, 2007.

The police (city police) the defendants did not have probable cause to arrest Mr. McGEE for controlled substance or for any other offense.

When a person's four and fourteenth Amendments rights against illegal search and seizure without probable cause are violated all evidence obtained by such an unlawful seizure is inadmissible. Davis v. Mississippi 394 US 721, 724 (1969) (citing Mapp v. Ohio 367 U.S. 643, 655 (1961)). Mr. McGEE was illegally photographed, fingerprinted, and tape recorded thus Mr. McGEE's trial was tainted by the use of inadmissible evidence against him and his constitutional rights were violated. Mr. McGEE

has shown that the defendant(s) Iowa City police are responsible for the actions, Unlawful Seizure and Illegal arrest. Mr. McGEE also brings his Attorney to the Forefront of the §1983 §1985 because he was placed on notice and has failed to address Mr. McGEE's unlawful arrest.

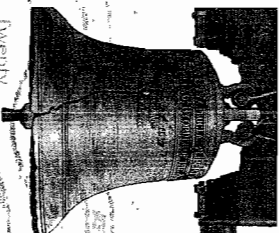
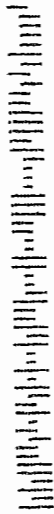
Mr. McGEE Seeks to have Charges dropped and damages of \$20,000,000⁰⁰ Compensation and \$10,000,000⁰⁰ punitive damages

Immediate Release

Notice of filing
Please take notice
that a Civil Rights
§ 1983 § 1985
Is filed by being
Sent on July 15th 2009
Mailbox rule to District
Court of Iowa
Southern Iowa

by: Christopher J. McGee

Christopher McGee
Knox County Sheriff's Office
Knox County Jail
315 Bell St
Albany, GA 31701
Gale Spaulding



Peoria, IL Paid Postage
MON 20 JUL 2009 PM 16:23:01



Twenty First-Class stamps

To: Clerk US District Court

United States Courthouse Ste. 150

Federal Building

131 East 4th Street

Davenport Iowa 52801

LEGAL MAIL